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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER CHUMPTIAZ, BOB R				
ART UNIT 3629		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/608,442

**Applicant(s)**

ERROR ET AL.

**Examiner**

BOB CHUMPITAZ

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-85/86)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The following is a Final Office action in response to communication received December 1, 2008. Claims 1-4, 6, 17 and 19 have been amended, claims 7-16 have been cancelled. Therefore, claims 1-6 and 17-20 are pending and addressed below.

#### ***Response to Amendments***

As per amendment to ¶ [0001] of the specification, the Examiner withdraws the specification objection.

In light of the amendments to claims 1 and 2, the Examiner withdraws the claim objection to claims 1-2.

In light of the amendments to claims 3, 4, 6 and 19, the Examiner withdraws the 35 U.S.C. 112 2<sup>nd</sup> rejections.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-6 and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bean (US 7,185,085).**

As per claim 1, Bean discloses a method for customizing website traffic tracking data comprising the steps of:

inserting embedded tracking code in a web page containing a custom event to be tracked (col. 1, line 23-29, code is copied into each web-site page that is to be monitored; see also col. 2, lines 50-54, java script code; see also col. 3, lines 7-8 data mining code embedded within the web page script; see also col. 6, lines 58-64 the tracking cookie is set); and

subsequently modifying the embedded tracking code to track the occurrence of the custom event to be tracked (col. 4, lines 22-46, name value pairs can be changed; see also col. 8, lines 53-56 subsequent visits by the visitor to the web site will result in the newly stored cookie being read, in 55 query block 48, and the data mining code operated or not operated according to the cookie "track" setting); and

configuring, via a user interface, a data collection server to receive the custom event to be tracked (col. 2, line 61 – col. 3, line 6, database server that can be access via computer, see also col. 10, lines 22-34 code for the server side include may be configured see Fig1. item 16 and 20: data collection server).

As per claim 2, Bean discloses a method for customizing website traffic tracking data as in claim 1, wherein modifying the embedded tracking code to track the occurrence of the custom event further comprises the steps of:

modifying the embedded tracking code to associate a custom attribute with the custom event (col. 2, lines 50-65 web pages having the embedded code; see also col. 4, line 45 - col. 5, line 31, the web server can change name-value pairs or add new pairs; cookie that stores unique ID, user preference, and tracks user selections; see also col. 5, lines 6-15 offer the visitor the ability to change content/layout/color; see also, col. 9, line 34 – col. 10, line 10, method for implementing a feature whereby the data mining code is included in the data sent).

As per claim 3, Bean discloses wherein the custom attribute is adapted to retain a value after the custom event has occurred (col. 5, lines 22-40 the cookie contains an ID and lets the site keep track of a visitor as the visitor adds different things to his or her shopping cart; see also col. 6, lines 48-66 JavaScript code contained in lines 1-7 in APPENDIX to set a random value; see also col. 7, line 4-9, visitor traffic data e.g. time and length of the viewed page; see also, col. 8, line 65 – col. 9, line 14, period of time for a user visiting a web site).

As per claim 4, Bean discloses wherein configuring, the data collection server to receive the custom event to be tracked further comprises the step of:

assigning an expiration data to the custom attribute associated with the custom event (col. 4, line 45-50, expiration date; see also, col. 8, line 65 - col. 9, line 14, expiration).

As per claim 5, Bean discloses wherein configuring, via a user interface, a custom attribute associated with an event to be tracked further comprises the step of:

assigning version data to the custom attribute (col. 4, lines 24-50 the web server can change name-value pairs or add new pairs; see also col. 9, lines 2-24, cookie expires and new sessions are created; see also, col. 2, line 61 – col. 3, line 6, database server that can be access via computer, see Fig1. item 16).

As per claim 6, Bean discloses the steps of:

generating a configuration string associated with the custom attribute (col. 5, line 1-5, create an ID in the database and sends it as a cookie; see also col. 10, lines 22-34 code for the server side include may be configured see Fig1. item 16 and 20: data collection server); and,

inserting the configuration string in data collection code on a website containing the custom event to be tracked (col. 3, lines 15-17 data mined from the visitor computer by the data mining code is attached as a code

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string; see also col. 5, line 6-13, site stores user preferences and allows user to enter customized information).

As per claim 17, Bean discloses one or more computer readable storage devices having computer readable code embodied on said computer readable storage devices, said computer readable code for programming one or more computers to perform a method for customizing website traffic tracking data (col. 10, lines 3-10 computer for storage) comprising the steps of:

inserting embedded tracking code in a web page containing a custom event to be tracked (col. 1, line 9-20, programs stored in web server; see also col. 1, line 23-29, code is copied into each web-site page that is to be monitored; see also col. 2, lines 50-54, java script code; see also col. 3, lines 7-8 data mining code embedded within the web page script; see also col. 6, lines 58-64 the tracking cookie is set); and

subsequently modifying the embedded tracking code to track the occurrence of the custom event to be tracked (col. 4, lines 22-46, hard drive disk; name value pairs can be changed; see also col. 8, lines 53-56 subsequent visits by the visitor to the web site will result in the newly stored cookie being read, in 55 query block 48, and the data mining code operated or not operated according to the cookie "track" setting); and

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configuring, via a user interface, a data collection server to receive the custom event to be tracked (col. 2, line 50 – col. 3, line 6, database server that can be access via computer, see also col. 10, lines 22-34 code for the server side include may be configured see Fig1. item 16 and 20: data collection server).

As per claim 18, Bean discloses one or more computer readable storage devices having computer readable code embodied on said computer readable storage devices, said computer readable code for programming one or more computers to perform the method for customizing website traffic tracking data of claim 17, further comprising the steps of:

modifying the embedded tracking code to associate a custom attribute with the custom event (col. 2, lines 50-65 web pages having the embedded code; see also col. 4, line 45 - col. 5, line 31, database; the web server can change name-value pairs or add new pairs; cookie that stores unique ID, user preference, and tracks user selections; offer the visitor the ability to change content/layout/color; see also, col. 9, line 34 – col. 10, line 10, method for implementing a feature whereby the data mining code is included in the data sent

As per claim 19, Bean discloses one or more computer readable storage devices having computer readable code embodied on said computer readable storage devices, said computer readable code for programming one or more



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computers to perform the method for customizing website traffic tracking data of claim 18,

wherein the custom attribute is adapted to retain a value after the custom event has occurred (col. 5, lines 22-40 the cookie contains an ID and lets the site keep track of a visitor as the visitor adds different things to his or her shopping cart; see also col. 6, lines 48-66 JavaScript code contained in lines 1-7 in APPENDIX to set a random value; see also col. 7, line 4-9, data collection server for the time and length of the viewed page; see also, col.8, line 65 – col. 9, line 14, period of time for a user visiting a web site).

As per claim 20, Bean discloses one or more computer readable storage devices having computer readable code embodied on said computer readable storage devices, said computer readable code for programming one or more computers to perform the method for customizing website traffic tracking data as in claim 18, further comprising the steps of:

generating a configuration string associated with the custom attribute (col.3, line 15-27, data analysis server; see also col. 5, line 1-5, create an ID in the database and sends it as a cookie; see also col. 10, lines 22-34 code for the server side include may be configured see Fig1. item 16 and 20: data collection server); and

inserting the configuration string in data collection code on a website containing the event to be tracked (col. 3, lines 15-17 data mined from the

visitor computer by the data mining code is attached as a code string; see also col.3, line 28-43, hard disk see also col. 5, line 6-13, site stores user preferences and allows user to enter customized information; see also, col. 8, line 1-40, JavaScript data mining code embedded within the webpage).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

***Response to Arguments***

Applicant's arguments filed 12/01/2008 have been fully considered but they are not persuasive. In the remarks, Applicant argues that:

As per claim 1: Bean (US 7,185,085) fails to teach or suggest the recited limitations.

(1) Bean does not provide any mechanism for inserting tracking code containing a custom event.

In response to argument (1), Examiner respectfully disagrees. Bean discloses the process wherein data mining code is embedded within a web page script (col. 3, lines 7-8). In addition, as presented in the claim, there is no explicit recitation of a mechanism for inserting a tracking code.

(2) Bean fails to teach any mechanism for modifying tracking code to track occurrence of a custom event.

In response to argument (2), Examiner respectfully disagrees. Bean discloses wherein the web server can change name value pairs or add new pairs (col. 4, lines 22-46), and the process for providing the ability to change content/layout/color of a site and allows for customization in which will modify a name-value pair (col. 5, lines 6-15). In addition, as presented in the claim, there is no explicit recitation of a mechanism for modifying tracking code.

- (3) There is no hint or suggestion of the embedded tracking code containing a custom event.
- (4) There is no opportunity in Bean for the code to be configured or modified to track a custom event.
- (5) Bean teaches away from the claimed invention's recitation of custom event tracking.

In response to arguments (3), (4) and (5), Examiner respectfully disagrees. Bean discloses wherein the web pages having embedded code, the code passes predetermined information from computer to server and where this information includes e.g. the page viewed, the time of the view, the length of stay on the page, the visitor's identification, etc (col. 2, lines 50-65). The Examiner considers the different types of embedded information to represent unique or custom information for each particular user or visitor of the web page. In addition, Bean discloses wherein cookies store unique ID, user preferences, and tracks user selections (col. 4, line 45 – col. 5, line 31). Furthermore, Bean discloses the process of offering the visitor the ability to change content, layout or color of a site and allows for customization in which will modify a name-value pair (col. 5, lines 6-15). Lastly, Bean discloses wherein a provider of remote web-site activity analysis ("service provider") generates JavaScript code that is distributed to each subscriber to the service and where the subscriber copies the code into each web-site page that is to be monitored (col. 2, lines 23-29).

(6) Nowhere in Bean is there any mention of tracking of custom events.

In response to argument (6), Examiner respectfully disagrees. Bean discloses when a visitor to the subscriber's web site loads one of the web-site pages into his or her computer, the JavaScript code collects information, including time of day, visitor domain, page visited, etc; and in addition Bean teaches wherein this arrangement for monitoring web server activity is known in the art (col. 1, lines 23-54). Furthermore, Bean discloses wherein the data mining code embedded within the web page script operates to gather data about the visitor's computer. Lastly, Bean discloses another method for tracking visitors to a web site through the use of objects called cookies (col. 3, lines 7-35).

(7) The fact that name-value pairs can be changed does not in any way anticipate the recited element of claim 1. A change to a name-value pair is not equivalent to a change in embedded tracking code.

In response to argument (7), Examiner respectfully disagrees. Bean discloses a method for tracking visitors to a web site using "cookies", which stores information on a user's machine for later retrieval; and where the pieces of information are stored as "name-value pairs" comprised of, for instance, a variable name (e.g. UserID) and a value (e.g. A9A3BECE0563982D) associated with the variable name. In addition, Bean discloses wherein the web server can change name-value pairs or

add new pairs whenever you visit the site and request a page (col. 3 line 7 - col. 5, line 15). Therefore, the fact that "name-value pairs" can be changed and stored or embedded as pieces of information that make up a "cookie" for the purpose of tracking a user's visit to the website, discloses the claimed limitation.

(8) Claims 2-6 depend from claim 1 and incorporate the limitations discussed above. Claims 17-20 recite one or more computer readable storage devices having computer readable code embodied thereon, and include limitations similar to those discussed above in connection with claim 1. Accordingly, claims 1-6 and 17-20 are hereby submitted to be patentable over Bean.

In response to argument (8), Examiner respectfully disagrees. Bean discloses a client node, customer site web server, site owner, data collection server, account server, and redirector (Fig.1 the system implementing the invention; col. 2, lines 26-36 program running on the computer; col. 5, lines 35-40 information is stored in the site's database).

The Examiner maintains the 102(e) rejection for claim 1, which whom claims 2-6 depend from, and which claims 17-20 include similar limitations to those of claim 1, therefore claims 1-6 and 17-20 are

rejected under 35 U.S.C. 102(e) as anticipated by Bean (US 7,185,085 B2).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **BOB CHUMPITAZ** whose telephone number is (571)270-5494. The examiner can normally be reached on **M-TR: 7:00 AM - 6:00 PM**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **JOHN WEISS** can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-270-6494.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. C.  
Examiner, Art Unit 3629

/JOHN G WEISS/  
Supervisory Patent Examiner, Art Unit 3629